

# Exhibit B



Sarah Cohen <sarah@tomorrowlaw.com>

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## Thoma v. VXN et al. - Meet and Confer on the Original Action and the PAGA Action

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Eric Clopper <eclopper@kanelaw.la>

Fri, Sep 15, 2023 at 4:05 PM

To: Sarah Cohen <sarah@tomorrowlaw.com>, "david@tomorrowlaw.com" <david@tomorrowlaw.com>, "jeff@tomorrowlaw.com" <jeff@tomorrowlaw.com>

Cc: Brad Kane <bkane@kanelaw.la>, Chris Cude <ccude@kanelaw.la>

Sarah,

We have not received a response from you regarding our efforts to meet and confer on (1) the federal class action; (2) the state PAGA action; and (3) the recently remanded state UCL action. Below, please see our second effort to meet and confer.

### **Federal Action**

First and foremost, your client's First Amended Complaint (FAC) is due this coming Wednesday, September 20, 2023. As the court suggested, we should meet and confer prior to you filing the FAC so we can limit the litigation to only issues our clients have a good-faith basis to disagree on, which will also conserve the court's and our clients' resources.

To that end, would you be willing to meet and confer on your client's FAC prior to this coming Wednesday? Alternatively, our clients would be willing to stipulate to a one-week extension if you would be willing to have a meaningful meet and confer conference on the FAC either Thursday or Friday of next week. Please let me know.

### **The Two State PAGA and UCL Actions**

Since we did not receive a response to our previous meet and confer effort, our client exercised their right to extend their responsive pleading due date for the state PAGA action 30 days from September 11, 2023 to October 11, 2023.

The state UCL responsive pleading is currently due September 29, 2023, which will necessarily be extended by 30 days if we cannot timely meet and confer.

Please consider this our clients' second request to meet and confer prior to my clients' upcoming demurrers in the two state actions regarding whether your client would agree to either (i) stay of one or both of the state court actions pending resolution of the federal action to avoid the risk of inconsistent rulings, especially

considering the derivative nature of the state court proceedings; and/or (ii) stay the state court actions based on plea in abatement demurrers in the two separate state actions.

Thank you for your time.

Best,

Eric

Eric Clopper

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